

Assembly Bill No. 2470

Passed the Assembly June 24, 2004

Chief Clerk of the Assembly

Passed the Senate June 21, 2004

Secretary of the Senate

This bill was received by the Governor this _____ day of _____, 2004, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Section 2079.10 of the Civil Code, and to amend Section 375.5 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2470, Kehoe. Water conservation programs.

Existing law authorizes a public entity to undertake water conservation and public education programs in conjunction with school districts, public libraries, or any other public entity.

This bill would authorize a public entity to undertake water conservation and public education programs using an informational booklet or materials for use in connection with the use or transfer of real estate containing up to four residential units. The bill would provide that if those materials are delivered to a transferee in connection with the transfer of real property, the seller or broker is not required to provide information concerning water conservation and water conservation programs that is additional to that contained in those materials.

The people of the State of California do enact as follows:

SECTION 1. Section 2079.10 of the Civil Code is amended to read:

2079.10. (a) If the informational booklet published pursuant to Section 25402.9 of the Public Resources Code, concerning the statewide home energy rating program adopted pursuant to Section 25942 of the Public Resources Code, is delivered to a transferee in connection with the transfer of real property, including, but not limited to, property specified in Section 1102, manufactured homes as defined in Section 18007 of the Health and Safety Code, and property subject to Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code, the seller or broker is not required to provide information additional to that contained in the booklet concerning home energy ratings, and the information in the booklet shall be deemed to be adequate to inform the transferee about the existence of a statewide home energy rating program.



(b) Notwithstanding subdivision (a), nothing in this section alters any existing duty of the seller or broker under any other law including, but not limited to, the duties of a seller or broker under this article, Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code, or Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code, to disclose information concerning the existence of a home energy rating program affecting the real property.

(c) If the informational booklet or materials described in Section 375.5 of the Water Code concerning water conservation and water conservation programs are delivered to a transferee in connection with the transfer of real property, including property described in subdivision (a), the seller or broker is not required to provide information concerning water conservation and water conservation programs that is additional to that contained in the booklet or materials, and the information in the booklet or materials shall be deemed to be adequate to inform the transferee about water conservation and water conservation programs.

SEC. 2. Section 375.5 of the Water Code is amended to read:

375.5. (a) A public entity, as defined by Section 375, may undertake water conservation and public education programs in conjunction with school districts, public libraries, or any other public entity.

(b) (1) A public entity may undertake water conservation and public education programs using an information booklet or materials for use in connection with the use or transfer of real estate containing up to four residential units. For the purposes of this subdivision, the public entity may use water conservation materials prepared by the department.

(2) It is the intent of the Legislature that on or before December 31, 2007, a review of the program be conducted to obtain information on both of the following matters:

(A) The extent to which public entities have undertaken water conservation and public education programs referred to in paragraph (1).

(B) The extent to which water conservation may be attributable to the implementation of water conservation and public education programs referred to in paragraph (1).



(c) A public entity may take into account any programs undertaken pursuant to this section in a rate structure design implemented pursuant to Section 375.

(d) The Legislature finds and declares that a program undertaken pursuant to this section is in the public interest, serves a public purpose, and will promote the health, welfare, and safety of the people of the state.



Approved _____, 2004

Governor

